

MINUTES OF THE MEETING
HEALTH SERVICES COUNCIL

DATE: 5 February 2008

TIME: 2:30 PM

LOCATION: Conference Room 401, Department of Health

ATTENDANCE:

Council: Present: Victoria Almeida, Esq. (Vice Chair), Edward F. Almon, Raymond C. Coia, Esq., John W. Flynn, Gary Gaube, Wallace Gernt, Sen. Catherine E. Graziano, R.N., PhD, Robert Hamel R.N., Amy Lapierre, Robert J. Quigley, D.C., (Chair), Larry Ross, Reverend David Shire

Not Present: Joseph V. Centofanti, M.D., Rosemary Booth Gallogly, Maria R. Gil, Robert Ricci, Robert Whiteside

Excused Absence: Robert S.L. Kinder, M.D., Thomas M. Madden, Esq., Denise Panichas

Staff: Valentina Adamova, Loreen Angel, Michael K. Dexter, Robert Marshall, PhD, Joseph G. Miller Esq., Jenna Ferraro (intern)

Public: (Attached)

1. Call to Order, Approval of Minutes, Conflict of Interest Forms, Time Extension for the Minutes Availability and Establishment of the Nominating Committee of the Health Services Council.

The meeting was called to order at 2:30 PM. The Chairman noted that conflict of interest forms are available to any member who may have a conflict. Minutes of the 18 December 2007 meeting of the Health Services Council were approved as submitted. The Chairman requested a motion for the extension of time for the availability of minutes pursuant to the Open Meetings Act. A motion was made, seconded and passed by a vote of eleven in favor and none opposed (11-0) that the availability of the minutes for this meeting be extended beyond the time frame provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Almon, Coia, Flynn, Gaube, Gernt, Graziano, Hamel, Quigley, Ross, Shire.

The Chairman appointed the members who would serve on the Nominating Committee of the Health Services Council as: Edward F. Almon, Sen. Catherine E. Graziano, R.N., Ph.D., Larry Ross, with Mr. Ross being appointed as Chair of the Nominating Committee.

2. General Order of Business

The first item on the agenda was the Report of the Committee of the Health Services Council on the application of Radiosurgery Center of Rhode Island, LLC to acquire an Accuracy CyberKnife to provide radiation therapy services on the campus of Rhode Island Hospital. Staff reviewed the handouts for this application which included a document Criteria for Radiation Oncologist Privileges to Use the Radiosurgery Center of Rhode Island (“RCRI”) CyberKnife Facility. Staff summarized the application and the deliberations of the committee on these matters.

The applicant requested amendments to condition of approval number 9 to include in the criteria for physician radiation oncologists utilizing the CyberKnife those physicians who are eligible for a board certification in radiation oncology and to have the credentialing be by the applicant and not Rhode Island Hospital. Council members questioned the applicant regarding the proposed amendments. The applicant stated that credentialing requirements of Rhode Island Hospital include appointment at the Brown University because Rhode Island Hospital is a teaching hospital affiliated with Brown University. The applicant stated that the proposed facility is not going to be affiliated with Brown University and should not have the same standards as a teaching hospital. The applicant further noted that qualified physicians may be unable to get appointments from Brown University for various reasons such as because they did not publish enough papers. The applicant did not want Brown University to have any control over the credentialing process of its physicians. The

applicant noted that it provided a document that detailed its credentialing process which is similar in all aspects to Rhode Island Hospital's except for the requirement of appointment at Brown University.

Staff read into the record a revised condition of approval number 9 as follows: "that all physician radiation oncologists utilizing the CyberKnife be board certified or eligible for board certification in radiation oncology and credentialed by Radiosurgery Center of Rhode Island, LLC in accordance with the requirements contained in the attached document Criteria for Radiation Oncologist Privileges to Use the Radiosurgery Center of Rhode Island ("RCRI") CyberKnife Facility". The applicant agreed with this amendment.

The Chair requested that the applicant report back to the Council on its credentialing process and added that as a condition of approval number 12 "that the applicant will provide, within one year of facility licensure, a written report to the Department on the credentialing process, including identification of the physicians credentialed, their qualifications and the basis for credentialing by RCRI". The applicant agreed.

Mr. Flynn noted his opposition to the changes to the condition of approval criteria for radiation oncologist proposed by the applicant with regards to Rhode Island Hospital.

A motion was made, seconded and passed by a vote of nine in favor, one opposed and two recusals (9-1-2) to recommend that the application be approved with the conditions of approval as amended. Those members voting in favor were: Almon, Coia, Gernt, Graziano, Hamel, Lapierre, Quigley, Ross, Shire. Those members voting in opposition: Flynn. Those members recusing: Almeida, Gaube.

The next item on the agenda was the Report of the Committee of the Health Services Council on the application of Radiation Therapy Investments, LLC for a change in effective control of South County Radiation Therapy, LLC, Southern New England Regional Cancer Center, LLC, and Roger Williams Radiation Therapy, LLC. Staff summarized the application and the deliberations of the committee on these matters.

Staff noted that each of the hospital partners for the three organized ambulatory care facilities have submitted letters agreeing to provide the requested charity care data per condition of approval. Staff reviewed all the proposed conditions of approval. Staff noted an error in condition of approval number 7 which repeated the same requirement twice. The applicant requested that condition of approval number 6 be amended to include the language 'eligible for board certification' with regards credentialing qualifications of physician radiation oncologist. The Committee accepted the proposed amendments to the conditions of approval.

A motion was made, seconded and passed by a vote of ten in favor, none opposed and two recusals (10-0-2) to recommend that the application be approved with the conditions of approval as amended. Those members voting in favor were: Almeida, Almon, Coia, Flynn, Graziano, Hamel, Lapierre, Quigley, Ross, Shire. Those members recusing: Gaube, Gernt.

The next item on the agenda was the Report of the Committee of the Health Services Council on the applications of GHC Holdings, LLC for a change in effective control Kent Regency Center, Grandview Center, and Grand Islander Center. Staff summarized the application and the deliberations of the committee on these matters.

A motion was made, seconded and passed by a vote of twelve in favor and none opposed (12-0) to recommend that the applications be approved with the conditions of approval. Those members voting in favor were: Almeida, Almon, Coia, Flynn, Gaube, Gernt, Graziano, Hamel, Lapierre, Quigley, Ross, Shire.

The next item on the agenda was the Report of the Committee of the Health Services Council on the application for change in effective control of Faine SC, Inc. d/b/a Kent County Surgical Center. Staff summarized the application and the deliberations of the committee on

these matters.

A motion was made, seconded and passed by a vote of twelve in favor and none opposed (12-0) to recommend that the application be approved with the conditions of approval. Those members voting in favor were: Almeida, Almon, Coia, Flynn, Gaube, Gernt, Graziano, Hamel, Lapierre, Quigley, Ross, Shire.

3. Adjournment

The Chair thanked Mr. miller for preparing the document ‘Advisory Concerning the Hospital Conversion Act’.

There being no further comments the meeting was adjourned at 3:45 P.M.

Respectfully submitted,

Valentina Adamova, MBA